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Attorneys for Defendant the Honorable William C.
Harrison, Judge of the Superior Court

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ALBERTA ROSE JONES,

Plaintiff,

v.

KELKRIS ASSOCIATES INC. DBA
CREDIT BUREAU ASSOCIATES,
KATHRYN A. PARSONS, TERRY A.
DUREE, LINDA G. ASHCRAFT, MICHAEL
MATTHEWS, MOES PROCESS SERVING,
AVA E. WILLIAMS, WENDY A. GETTY,
PATRICIA COLEMAN, SJOAN
CRAWFORD, KARL PHILLIPS, WILLIAM
C. HARRISON, EDMUND G. BROWN JR.
BARBARA BOXER, UNITED STATES OF
AMERICA AND DOES 1-100,

Defendants.

C-07-04421 JW

**DEFENDANT WILLIAM C.
HARRISON'S NOTICE OF MOTION
AND MOTION TO REMAND OR, IN
THE ALTERNATIVE, MOTION TO
DISMISS**

Date: December 3, 2007
Time: 9:00 a.m.
Place: Federal Building
280 South First Street
San Jose, California
Courtroom 8, Fourth Floor
Hon. James Ware

TO PLAINTIFF IN PROPRIA PERSONA:

PLEASE TAKE NOTICE that on December 3, 2007, at 9:00 a. m. in Courtroom 8 of the above-entitled court, located at 280 South First Street, Fourth Floor, San Jose, California, defendant the Honorable William C. Harrison (hereinafter "Judge Harrison") will and hereby does move to remand this action back to the Superior Court or, in the alternative, to dismiss this action. Judge Harrison moves to remand this action because neither diversity of citizenship nor a federal question

exists in the underlying action of *Kelkris v. Jones*, Solano County Superior Court Case No. FCM 093334 (28 U.S.C. § 1441(b)). Accordingly, it should be summarily remanded pursuant to 28 U.S.C. section 1446(c)(4). The action should also be remanded because removal was untimely and otherwise procedurally defective. (28 U.S.C. § 1446.)

Alternatively, this action should be dismissed pursuant to Rule 12(b)(6) for failure to state a claim for which relief can be granted. Plaintiff's Removal Notice fails to allege sufficient facts to maintain a claim for relief against Judge Harrison. This action is barred pursuant to the doctrine of *Younger v. Harris*, 401 U.S. 37 (1971). Finally, this action should be dismissed against Judge Harrison because he is entitled to judicial immunity.

The motion will be based on this notice of motion, the memorandum of points and authorities filed in support thereof, and on all papers and pleadings on file herein.

Dated: September 14, 2007

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California

PAUL T. HAMMERNESS
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/s/ Troy B. Overton
TROY B. OVERTON
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Harrison, Judge of the Superior Court